

BILL NO. 67-2007

AN ORDINANCE

VACATING, ABANDONING AND REMOVING MADISON AVENUE (1900 BLOCK), AS DESCRIBED IN ATTACHED EXHIBITS A, B AND C, BETWEEN THE SOUTHERN BOUNDARY OF LANDS OWNED BY NORFOLK SOUTHERN CORPORATION AND THE NORTH BUILDING LINE OF RICHMOND STREET FROM THE TOPOGRAPHICAL SURVEY OF THE CITY OF READING.

WHEREAS, by petition dated on or about August 8th, 2007, Birchcraft Holdings, LLC., owners of all property abutting Madison Avenue, between Richmond Street and the Richmond Street branch of the Reading Company Railroad, petitioned the Council of the City of Reading to vacate the described portion of Madison Avenue thereby removing it from the City's Topographical Survey, and

WHEREAS, the City of Reading Planning Commission by Resolution No. 39-07 adopted July 10, 2007, recommended that the said removal be approved.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

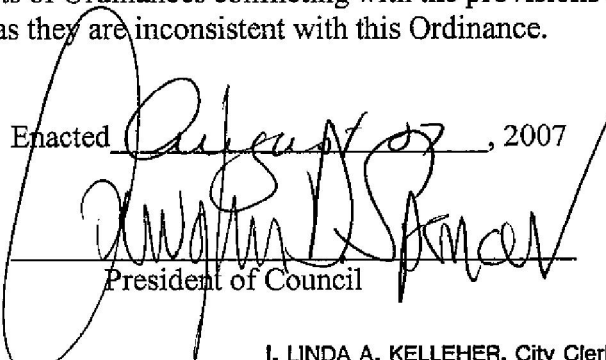
SECTION 1. The Topographical Survey of the City of Reading be and the same is hereby amended by vacating, abandoning and removing Madison Avenue (1900 block), as described in the attached exhibits A, B and C, between the southern boundary lands owned by Norfolk Southern Corporation and the North Building Line of Richmond Street.

SECTION 2. The Director of the Department of Public Works and/or the City Engineer be and he is hereby authorized and directed to enter and record the above-described change in the Topographical Survey Book of Streets in the Department of Public Works.

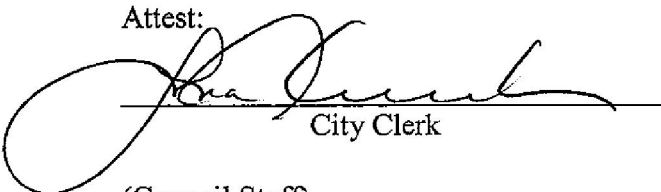
SECTION 3. The City Solicitor is authorized and directed to take such further steps in court or elsewhere as may be necessary to carry out the provisions of this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as they are inconsistent with this Ordinance.

Enacted August 27, 2007


President of Council


Attest:


City Clerk

(Council Staff)

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 27 day of August, A. D. 2007. Witness my hand and seal of the said City this 27 day of August, A. D. 2007.

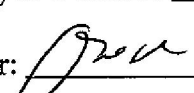

CITY CLERK

Submitted to Mayor: 

Date: 8-28-07

Received by the Mayor's Office: MY

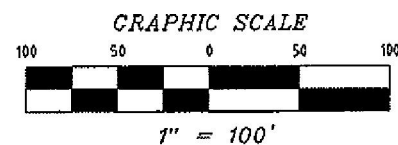
Date: 8-28-07

Approved by Mayor: 

Date: 9/29/07

Vetoed by Mayor: _____

Date: _____



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EXHIBIT B

MADISON AVENUE VACATION LEGAL DESCRIPTION:

ALL THAT CERTAIN parcel or tract of land located on the northwest corner of Richmond Street and Madison Avenue in the City of Reading, County of Berks and Commonwealth of Pennsylvania, being the parcel of land owned by Birchcraft Holdings, LLC, said parcel or tract of land being bounded and more fully described as follows, to wit:

BEGINNING at a point on the North West corner of the property at a steel pin, said point being a point in common with property belonging to the Norfolk Southern Corporation and property belonging to Birchcraft Holdings, LLC;

THENCE along said property line in common with property belong to the Norfolk Southern Corporation, extending in an easterly and northeasterly direction along a curve to the left, having a radius of Six-hundred Thirty-seven feet and Fifty-six hundredths of one foot (637.56'), and arc distance of Twenty-five feet and Seventy-eight hundredths of one foot (25.78') to a point along the easterly right-of-way line of Madison Avenue;

THENCE extending in a southerly direction along the easterly right-of-way line of Madison Avenue South One degree, Fifty minutes, Zero seconds West (S 01°50'00" W), a distance of Three-hundred Fourteen feet and Thirty-one hundredths of one foot (314.31') to a point;

THENCE extending in a westerly direction to the West right-of-way line of Madison Avenue on a line bearing North Eighty-eight degrees, Eight minutes, Zero seconds West (N 88°08'00" W), a distance of Forty feet (40') to a point;

THENCE along said right-of-way line, extending in a northerly direction on a line bearing North One degree, Fifty minutes, Zero seconds East (N 01°50'00" E), a distance of Two-hundred Eighty-three feet and Five hundredths of one foot (283.05') to a point in common with property belonging to the Norfolk Southern Corporation;

THENCE along said property line in common with property belong to the Norfolk Southern Corporation, extending in an easterly and northeasterly direction along a curve to the left, having a radius of Six-hundred Thirty-seven feet and Fifty-six hundredths of one foot (637.56'), and arc distance of Twenty-four feet and Ninety-nine hundredths of one foot (24.99'), to the **POINT OF BEGINNING**.

CONTAINING IN AREA Two-hundred Seventy-four thousandths of one acre (0.274) of land.

To the Council of the City of Reading

GENTLEMEN:

We, the undersigned, being a majority in interest
of the owners of the property abutting on Madison Avenue
between Richmond Street and the Richmond Street Branch of the Reading
Company Railroad
respectfully petition your honorable body for the passage of an ordinance vacating that portion of
Madison Avenue as shown more fully on Exhibit "A" which is attached hereto
between the above mentioned points.

In the event of the City of Reading causing the said portion of Madison Avenue
to be vacated
we severally hereby agree to be bound by the terms of the ordinance passed by the Council of the City of Reading authorizing the same.

And we, and each of us, for ourselves, our and each of our heirs, executors, administrators and assigns, hereby request that the said street be vacated

and we further agree, that we and each of us, for ourselves, our and each of our heirs, executors, administrators and assigns, will severally pay our fair and ratable proportion of the cost of vacating Madison Avenue
between Richmond Street
and the Richmond St. Branch of the in the manner and in accordance with any ordinance
Reading Company Railroad
that may be passed by Council providing for the said vacation

And we, and each of us, for ourselves, our and each of our heirs, executors, administrators and assigns, hereby remise, release, quit claim, and forever discharge the said City of Reading, its successors and assigns of and from all and all manner and kind of damages that may accrue to us by reason of the
vacation of the aforesaid portion

of the said Madison Avenue ~~except~~, in the City of Reading, by your Council.

Witness our hands and seals this 28th day of August A. D. XX 2007

(Witness only sign here)

WITNESSED BY

Paul D. J.
Real Estate Specialist

(In case title of property is in name of more than one person, each person included in title as owner or part owner shall sign here)

Elmer R. Mait (Seal)

managing partner
Birchcraft Holdings, LLC (Seal)

William de Brana (Seal)

United States Postal Service (Seal)

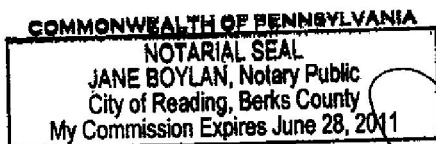
Michael LeGrand, Contracting Officer (Seal)

CITY OF READING, ss.

Personally appeared before me the undersigned authority Elmer R. Martin, managing member
of Birchcraft Holdings, LLC one of the above-named petitioners,
who being duly affirmed according to law, doth depose and say that the facts set forth in the fore-
going petition are true to the best of his knowledge and belief, and that the signatures attached to the accompany-
ing petition for the vacation of a portion of Madison Avenue
~~xxxx~~, in the City of Reading, by your Council,
are the genuine signatures of the persons represented; that they are the owners of property on that portion of
said Madison Avenue to be vacated

and the signers thereto are the majority in interest
of the owners of the property abutting thereon, and further depone saith not.

and subscribed before me
this 8th day of August xx2007 }
Jane Boylan



PRESENTED BY
Mark H. Koch, Esquire
217 North 6th St.
P.O. Box 8514
Reading, PA 19603
610-378-9002

Clerk

Presented

XX2007

CITY OF READING

MADISON AVENUE,

VACATION OF A PORTION OF

FOR

PETITION

ADDENDUM TO PETITION OF BIRCHCRAFT HOLDINGS, LLC,
TO VACATE A PORTION OF MADISON AVENUE BETWEEN
RICHMOND STREET AND THE RIGHT-OF-WAY OF THE
RICHMOND STREET BRANCH OF THE READING COMPANY,
IN THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA

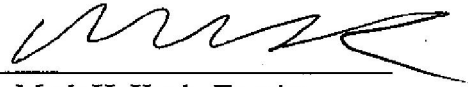
Your Petitioner, Birchcraft Holdings, LLC, respectfully submits this Addendum to their Petition in order to aid the Honorable Council of the City of Reading in their understanding of Petitioners' Request.

Petitioner is the record owner of the real property on the western side of Madison Avenue and the United States Postal Service ("USPS") is the record owner of the real property on the eastern side of Madison Avenue, as set forth on Exhibit "A" attached to the Petition. Petitioner has attached the legal description for the vacated portion of Madison Avenue as Exhibit "B".

The portion of Madison Avenue for which vacation is requested is an unopened paper street that runs from Richmond Street to a point terminating at its intersection with the Richmond Street Branch of the Reading Company Railroad. The portion of Madison Avenue to be vacated is not currently in use and is of no value to the City or its residents. However, a storm sewer line does traverse Madison Avenue at a point as shown on Exhibit "C."

The USPS hereby releases, remises, assigns and discharges to Birchcraft Holdings, LLC, any interest the USPS may have in the vacated portion of Madison Avenue in consideration of the sum of Six Thousand Dollars (\$6,000.00) paid by Birchcraft to the USPS within thirty (30) days of that date upon which the Council of the City of Reading formally authorizes the vacation as set forth herein. It is the intent of the USPS that it never has and will not take title to any portion of Madison Avenue vacated herein. An easement of twenty (20) feet in width as shown on Exhibit "C" is reserved in favor of the City of Reading, and a description of said storm sewer line is further shown on Exhibit "C."

WHEREFORE, Your Petitioner respectfully requests that its Petition be granted.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a horizontal line.

Mark H. Koch, Esquire